Document No. 4366
Adopted at Meeting of 11/3/83

BOSTON REDEVELOPMENT AUTHORITY

REPORT AND DECISION ON THE APPLICATION OF COUNCIL OF ELDERS HOUSING CORPORATION FOR THE AUTHORIZATION AND APPROVAL OF A PROJECT UNDER MASSACHUSETTS GENERAL LAWS (TER. ED.) CHAPTER 121A AS AMENDED, AND CHAPTER 652 OF THE ACTS OF 1960, TO BE UNDERTAKEN AND CARRIED OUT BY A CHARITABLE CORPORATION ORGANIZED PURSUANT TO MASSACHUSETTS GENERAL LAWS, CHAPTER 180, AND APPROVAL TO ACT AS AN URBAN REDEVELOPMENT CORPORATION UNDER SAID CHAPTER 121A.

A. The Hearing. A public hearing was held at 2:00 P.M. on September 16, 1982, in the offices of the Boston Redevelopment Authority (hereinafter called the "Authority"), at the New City Hall, Room 921, Boston, Massachusetts 02201, by the Authority on an Application dated August 23, 1982 (hereinafter called the "Application"), filed by Janis A. Porter, on behalf of Council of Elders Housing Corporation for authorization and approval of a redevelopment project under Chapter 121A of the General Laws of the Commonwealth of Massachusetts and Chapter 652 of the Acts of 1960, as amended (hereinafter called the "Project"), due notice of said hearing having been given previously by publication on September 1, 1982, and September 8, 1982, in the Boston Herald American, a daily newspaper of general circulation published in Boston, and mailing postage prepaid in accordance with Rule 4 of the Rules and Regulations of the Authority for securing approval of Chapter 121A projects, and in accordance with the provisions of Section 13 of Chapter 652 of the Acts of 1960, as amended. Robert L. Farrell, James K. Flaherty, Clarence J. Jones, William A. McDermott, Jr., and Joseph A. Walsh, were present at the hearing.

B. The Project. The proposed development area is located on that certain parcel of land situated in the City of Boston, County of Suffolk, described as Number 2893 Washington Street, being shown as containing an area of approximately 211,600 square feet on a plan entitled, "Property Line Map, Notre Dame Academy, Project Mass. R-24, Boston Redevelopment Authority, Harry R. Feldman, Inc.

A full metes and bounds description can be found in Appendix 16 to the Application.

The Project consists of the construction, operation and maintenance by the Applicant of 145 units of housing for elderly and handicapped persons on the project area presently owned by the Boston Redevelopment Authority. One-hundred eight of the units shall be one bedroom, twenty-eight (28) of the units shall be efficiency units and eight (8) units designed for use by handicapped tenants. There will be one non-assisted employee unit.

The appurtenant facilities will include a meeting room, recreation room, TV/game room, kitchen and vending area. Attached to this Application as Appendix 2 is a site plan for the Project Area. There is also incorporated into the Application as Appendix 3 floor plans and elevations for the buildings and as Appendix 3 outline specifications showing generally the character and quality of the construction to be used.

C. Authority Action. In passing upon the Application, the Authority has considered the Application itself, all documents, plans and exhibits filed therewith or referred to therein, the oral evidence presented at the hearing, the exhibits offered in evidence at the hearing, and arguments and statements made at the hearing.

D. Project Area. The Project as defined in the Application constitutes a "Project" within the meaning of Section 1 of Chapter 121A of the General Laws, providing, as it does, for the acquisition, rehabilitation and construction in a blighted, substandard and decadent area of decent, safe, and sanitary housing for the elderly and handicapped.

The Project area is blighted, decadent and substandard, as those terms are defined in Section 1 of Chapter 121A, because the site is currently a vacant lot formerly the site of the Notre Dame Academy which has been demolished. The Project area is on open and undeveloped area which is periodically filled with rubble and debris and serves as an attractive location for acts of vandalism and other criminal behavior and as such is detrimental to the safety, health, morals, welfare and sound growth of the community.

The site would not be developed without the real estate taxes being limited to a percentage of the Project's estimated gross annual income, evidenced by the requirement of the mortgage lender attached to the Application. Percentage levels as a basis for taxation can only be lawfully agreed to by the City of Boston under General Laws, Chapter 121A and Section 6A. These conditions and other factors referred to in the Application and this Report and Decision warrant the carrying out of the Project in accordance with Chapter 121A.

For these reasons it is found that the Project area is a blighted, decadent and substandard area within the meaning of Chapter 121A as amended. It is unlikely that the conditions will be remedied by the ordinary operations of private enterprise.

The Project will provide substantial financial return to the City of Boston. The amounts to be paid in lieu of real estate taxes by the Applicants

are set forth in the Application. There shall be paid to the City of Boston a percentage payment in lieu of real estate taxes, in each of the forty (40) calendar years after approval of the Project.

E. Cost of the Project. In the opinion of the Authority, the cost of the Project has been realistically estimated in the Application and the Project is practicable.

The estimated minimum cost of the Project will be approximately nine million one hundred five thousand six hundred sixty-nine dollars ($9,105,699.00).

The following are all the persons, natural or corporate, who, prior to the completion of the Project, have or will have, directly or indirectly, any ownership interest in the Project. Council of Elders, United States Department of Housing and Urban Development (HUD).

F. Consistency with Master Plan. The Project does not conflict with the Master Plan for the City of Boston as the Project Area comes within a classification in the Master Plan which permits buildings and uses of the kind proposed by the Applicants.

G. Effect of the Project. The Project will not be in any way detrimental to the best interests of the public or the City of Boston or to the public safety and convenience and is not inconsistent with the most suitable development of the Project Area neighborhood or of the City. The Project will, in fact, forward the best interests of the City and will constitute a public use and benefit. The Plans of the structure to be rehabilitated within the Project Area have been reviewed by the Design Review Staff of the Authority. The Authority finds that this Project will enhance the general appearance of the

Area and furnish greatly needed housing for low-income elderly and handicapped persons of the Roxbury section of Boston, an area of the city with a great need for such housing. The Project will have a positive economic impact on the neighborhood surrounding the Project Area and on the City of Boston. During construction of the Project, the Project general contractor will be required, to the best of its ability, to grant preference in hiring to Boston residents.

H. Environmental Considerations. Pursuant to the provisions of Section 61 of Chapter 30 of the General Laws (as inserted by Chapter 781 of the Acts of 1972), the Authority hereby finds and determines that the Project will not result in significant damage to or impairment of the environment and further finds and determines that all practicable and feasible means and measures have been taken, or will be utilized, to avoid or minimize damage to the environment.

As a result of the investigations and report of the Authority's staff and of its own knowledge, the Authority hereby finds that.

1. The Project will not adversely affect any open space or recreation area.
2. The Project will have an effect upon the Highland Park Historic District, Roxbury, and will have a visual impact on its surroundings. In order to mitigate this impact, the height has been reduced to 17 stories and a Memorandum of Agreement has been executed between the Department of Housing and Urban Development, the Massachusetts State Historic Preservation Officer, and the Advisory Council on Historic Preservation (Exhibit 1).
3. The Project will not adversely affect any significant natural feature or place.

4. Being located in an urban area, the Project will not affect any wilderness area or area of significant vegetation and will not adversely affect any rare or endangered fisheries, wildlife or species of plants.
5. The Project will not alter or adversely affect any floor hazard area, inland or coastal wetland, or any other geologically unstable area.
6. The Project will not involve the use, storage, release, or disposal of any potentially hazardous substances.
7. The Project will not affect the potential use or extraction of any agricultural, mineral, or energy resources.
8. The Project will result in an increase in the consumption of energy and generation of solid waste, but not to a significant degree.
9. The Project will not adversely affect the quantity or quality of any water resources and will not involve any dredging.
10. Except necessarily during the construction phase, the Project will not result in the generation of a significant amount of noise, dust, or other pollutants, and will not significantly affect adjacent sensitive receptors.
11. The Project will not adversely affect any area of important scenic value.
12. The Project will not conflict with any Federal, State, or local land use, transportation, open space, recreation, and environmental plans and policies.
13. The Project will require a divation from the Zoning Code of the City of Boston as further detailed herein, but not in such a manner as will cause damage to the environment.

In order to avoid or minimize any damage to the environment, the Authority hereby requires that the applicant comply with the City of Boston Air Pollution Control Commission's Regulations for the Control of Noise and Regulations for the Control of Atmospheric Pollution during all phases of construction activity.

I. Minimum Standards. The minimum standards for financing, construction, maintenance, and improvement of the Project as set forth in Appendix 5 filed with and attached to the Application, are hereby adopted and imposed as Rules and Regulations (in addition to those hereinafter adopted and imposed) applicable to this Project for the same period as the Project is subject to the provisions of Chapter 121A of the General Laws and Chapter 652 of the Acts of 1960, as amended.

In addition to the minimum standards set forth in Appendix 5, the Authority hereby requires that the Applicants, prior to obtaining a building permit, (1) enter into a Regulatory Agreement with the Authority pursuant to the requirements of General Laws, Chapter 121A, Section 18C and containing such other terms and conditions as the Authority may in its discretion deem necessary and appropriate; (2) submit to the Authority for its review and approval all plans and specifications for the Project as the Authority may require and accept such changes and modifications thereto as the Authority may deem necessary or appropriate, and (3) adhere to such design review controls and requirements as the Authority may in its discretion impose.

The carrying out of the Project will not require a permit for the erection, maintenance, and use of a garage within 500 feet of one or more buildings occupied in whole or in part as a public or private school having more than 50 pupils, or as a public or private hospital having more than 25 beds, or as a church.

The project does involve the construction of units which constitute a single building under the State Building Code and zoning laws, but the building does not fall under the preview of General Laws, Chapter 138.

J. Zoning Code Deviations. Appendix 10 to the Application lists the Zoning Code deviations requested for the reasons set forth in the Application and in the evidence presented at the public hearing. The Authority finds that the said deviations, attached hereto and incorporated as Exhibit B, are necessary for carrying out the total project and therefore may and hereby are granted without substantial derogating from the intent and purpose of applicable laws, codes, ordinances and regulations.

K. Duration of Period of Tax Exemption. The Applicant seeks a twenty-five (25) year extension for the Project's period of Tax Exemption from the basic fifteen (15) year statutory term to forty (40) years, because the project consists of housing financed by Federal programs to assist in the provision of housing to elderly and handicapped persons of low and moderate income. Accordingly, said extension is hereby granted.

L. Decision. For all the reasons set forth in the foregoing report, the Authority hereby approves the undertakings by the Applicant of the Project pursuant to Chapter 121A of the General Laws and Chapter 652 of the Acts of 1960, subject to the provisions as set forth above.

M E M O R A N D U M November 3, 1983

TO: BOSTON REDEVELOPMENT AUTHORITY

FROM: ROBERT J. RYAN, DIRECTOR

SUBJECT: CHAPTER 121A APPLICATION OF COUNCIL OF ELDERS HOUSING CORPORATION AND FIRST AMENDMENT THERETO

On September 16, 1982, the Authority conducted a public hearing to consider the above-captioned 121A Application

The Project consists of the construction and maintenance by the Applicant of 145 units of congregate housing for low income elderly and handicapped persons at 2893 Washington Street in the Roxbury section of Boston. A firm commitment for construction and permanent financing from the Department of Housing and Urban Development has now been received by the developer and has been filed with the Authority. All other conditions have been complied with by the Applicant.

Based on the examination of the Application by the Authority staff and on the evidence presented to the Authority at the hearing, it is submitted that there is sufficient evidence in support of the Project to make those findings and determinations necessary to proceed with the approval of the Project.

An appropriate vote follows:

VOTED: That the document presented at this meeting, entitled, "Report and Decision on the Application of Council of Elders Housing Corporation and First Amendment Thereto, for the Authorization and Approval of a Project under Massachusetts General Laws (Ter. Ed.) Chapter 121A, as Amended, and Chapter 652 of the Acts of 1960, to be undertaken and carried out by a corporation organized pursuant to Massachusetts General Laws Chapter 180, and approval to act as an Urban Development Corporation under said Chapter 121A" be and hereby is approved and adopted.